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10 UNITED STATES BANKRUPTCY COURT  
11  
12 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

13 In re  
14 JAMIE LYNN GALLIAN,  
15 Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7

APPELLANT’S STATEMENT OF ISSUES ON  
APPEAL RE: ORDER GRANTING DEBTOR’S  
MOTION FOR RECONSIDERATION OF THE  
COURT’S AUGUST 5, 2022 ORDER  
SUSTAINING OBJECTION TO DEBTOR’S  
HOMESTEAD EXEMPTION

[NO HEARING REQUIRED]

Date Notice of Appeal Filed: December 29, 2022  
APPEAL DOCKET ENTRY NO.: 280

22 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,  
23 APPELLEE, AND ALL INTERESTED PARTIES:

24 HOUSER BROS. CO., a California limited partnership dba RANCHO DEL REY MOBILE  
25 HOME ESTATES (“Houser Bros.” or “Appellant”), respectfully submits the following statement of  
26 issues to be presented on appeal. This appeal is from the *Order Granting Debtor’s Motion for*  
27  
28

*Reconsideration of the Court's August 5, 2022 Order Sustaining Objection to Debtor's Homestead  
Exemption* [Dk. 274] entered December 19, 2022.

**STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

The following issues are raised by Appellant in this appeal:

1) Whether Jamie Lynn Gallian ("Debtor") is entitled to claim a homestead exemption in the mobilehome located at 16222 Monterey Lane, Space #376, Huntington Beach, CA 92649 pursuant to California Code of Civil Procedure § 704.730 when Debtor failed to carry her burden of proof to establish a sufficient interest in the property and the evidence established that Debtor's interest in the property was that of a month-to-month tenant.

2) Alternatively, whether any allowed exemption must be capped at \$170,350 pursuant to 11 U.S.C. § 522(p) when any interest upon which a homestead could be based was only acquired by Debtor on the eve of bankruptcy when the LLC which owned the mobilehome attempted to transfer title to her (even though the evidence established that title was not transferred until post-petition).

3) Whether Debtor's payment of rent to her single-member LLC after it acquired the mobilehome establishes that she did not have a sufficient interest upon which a homestead could be based.

DATED: January 12, 2023

MARSHACK HAYS LLP

/s/ D. Edward Hays

By:

D. EDWARD HAYS

LAILA MASUD

BRADFORD N. BARNHARDT

Attorneys for Plaintiff,

HOUSER BROS. CO. dba RANCHO DEL

REY MOBILE HOME ESTATES

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **APPELLANT'S STATEMENT OF ISSUES ON APPEAL RE: ORDER GRANTING DEBTOR'S MOTION FOR RECONSIDERATION OF THE COURT'S AUGUST 5, 2022 ORDER SUSTAINING OBJECTION TO DEBTOR'S HOMESTEAD EXEMPTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **January 12, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **January 12, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

### DEBTOR

JAMIE LYNN GALLIAN  
16222 MONTEREY LN UNIT 376  
HUNTINGTON BEACH, CA 92649

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **January 12, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

### **VIA PERSONAL DELIVERY:**

#### **PRESIDING JUDGE'S COPY**

HONORABLE SCOTT C. CLARKSON  
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA  
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE  
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C  
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 12, 2023  
Date

Layla Buchanan  
Printed Name

/s/ Layla Buchanan  
Signature

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4879-0465-9015, v. 1